



US Army Corps  
of Engineers®  
New England District

# PUBLIC NOTICE

Maine Project Office  
675 Western Ave.  
Manchester, Maine 04351

**Date:** February 17, 2009  
**Comment Period Ends:** March 19, 2009  
**File Number:** NAE-2008-3353  
**In Reply Refer To:** Peter Tischbein  
**Or by e-mail:** peter.tischbein  
@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

## APPLICANT

TriRowe, Inc. , 533 Bay Road, North Palm Beach, Florida 33408

## ACTIVITY

The project entails the installation of a commercial marina to accommodate approx. 20 recreational and commercial fishing boats. The marina will consist of a single 6'x100' pier leading to a 4'x40' ramp which accesses a main 8'x145' float and two auxiliary floats leading to a series of finger floats. Work also includes the installation of a 20'x30' float for kayak rental and storage. All floats will be secured using pilings.

The detailed plans of the activity are attached specifically, Exhibit 2, "TriRowe Ramp & Float System" dated Oct. 17, 2008.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in navigable waters alongside the town Foot Bridge and the foot of Bridge St. on the west side of the upper inner harbor in the town of Boothbay Harbor, Maine. The proposed location on the USGS Boothbay Harbor quadrangle sheet is at UTM coordinates 43.8510815 N and -69.6271905 W.

## AUTHORITY

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899  
☐ Section 404 of the Clean Water Act  
☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed

activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact 0.60 acres of Essential Fish Habitat (EFH)- see attached sheet for list of species and life stages. This habitat consists of water column and a mix of intertidal and subtidal rockweed covered rock, gravel and mud. Impacts to these species is expected to be minimal because the project consists primarily of float installation and the pier and attendant float piles will not be displacing significant amounts of the marine bottom. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

### **SECTION 106 COORDINATION**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

### **ENDANGERED SPECIES CONSULTATION**

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. The two species of note are

the Atlantic Salmon and the Shortnose Sturgeon. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. Specifically, the project entails primarily the installation of floats. Some piles will need to be installed for the pier and to secure the floats however the installation will be accomplished by using a work barge and will be of short duration. Minimal habitat will be permanently displaced by the piles and sedimentation of the water column is expected to be minor. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- ( X ) Permit, License or Assent from State.
- ( ) Permit from Local Wetland Agency or Conservation Commission.
- ( X ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Peter Tischbein at (207) 623-8367.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
**Frank J. Del Giudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

CENAE-R  
FILE NO. NAE-2008-3353

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

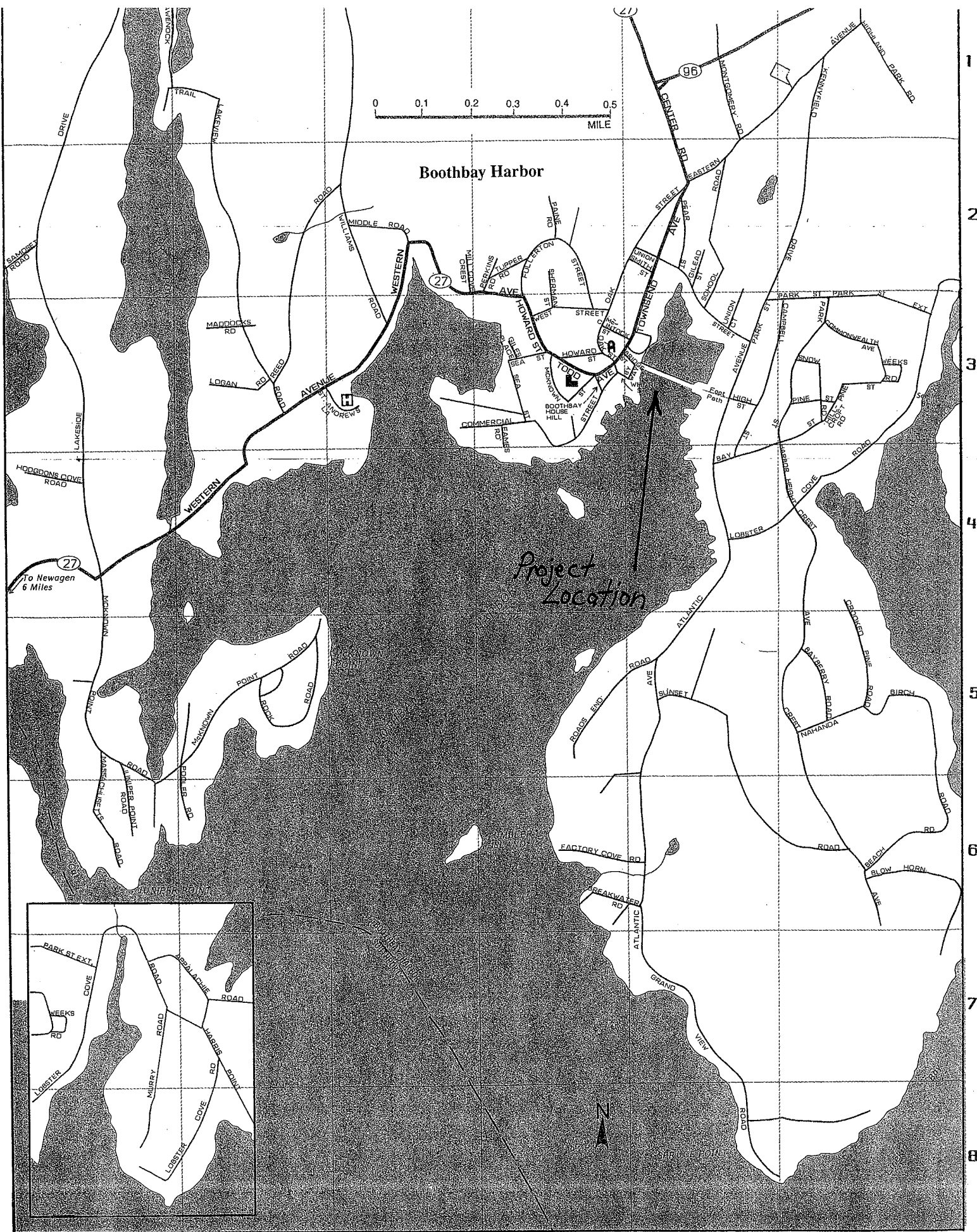


Exhibit 1

BOOTHBAY HARBOR

Send To Printer

Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

USGS Boothbay Harbor, Maine, United States 01 Jul 1988

Exhibit 1A

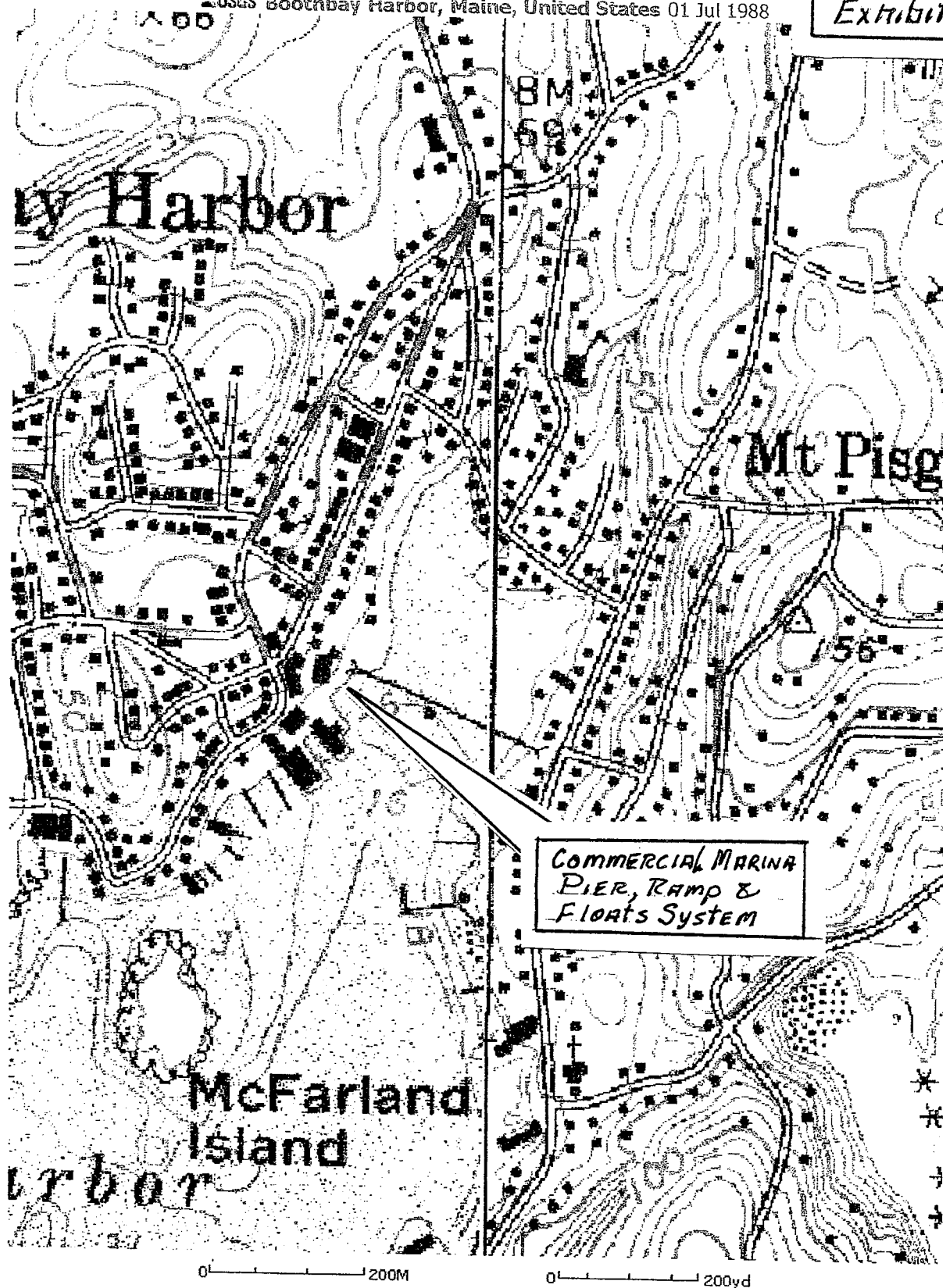
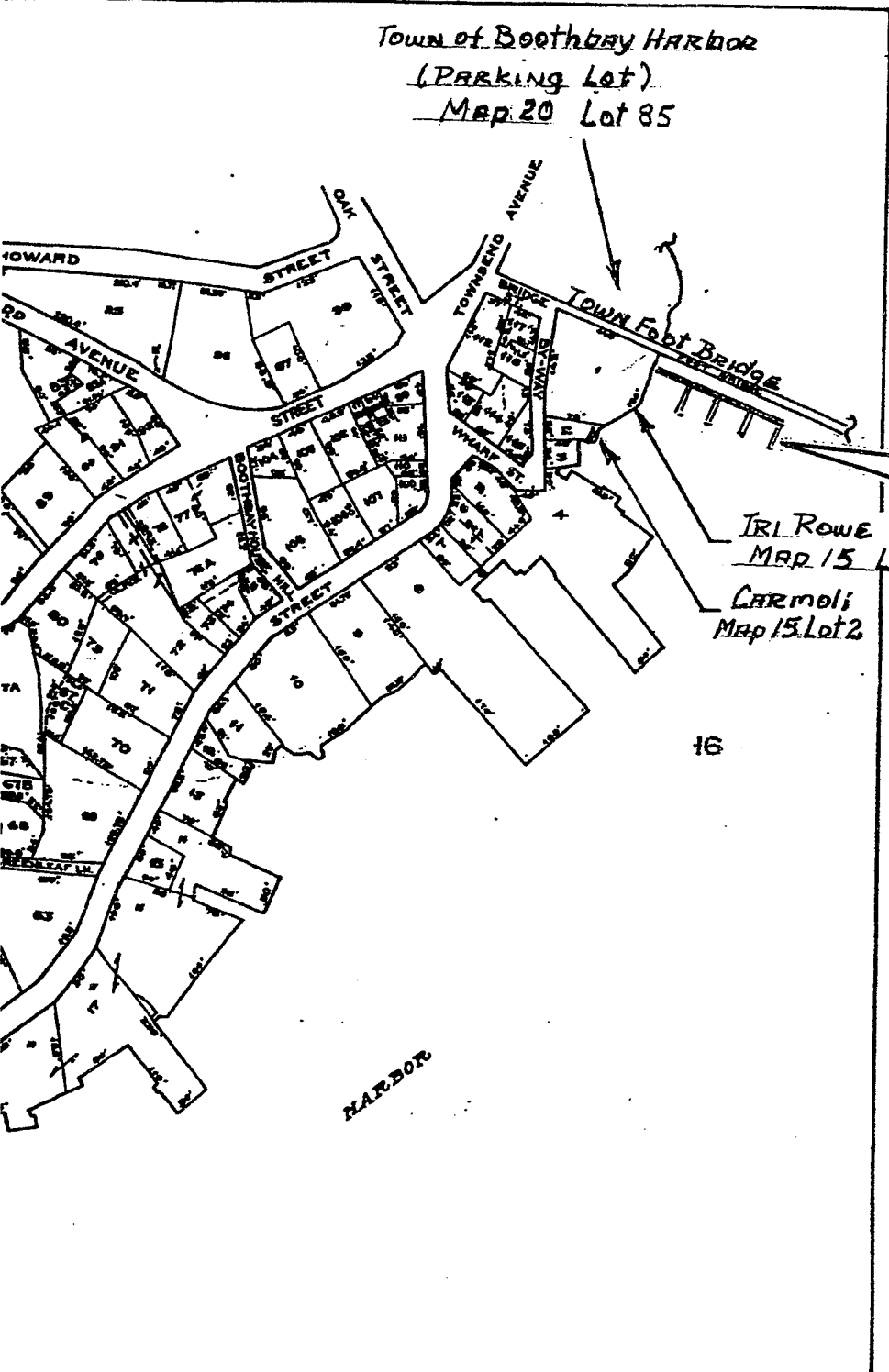


Image courtesy of the U.S. Geological Survey  
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**Exhibit 1B**



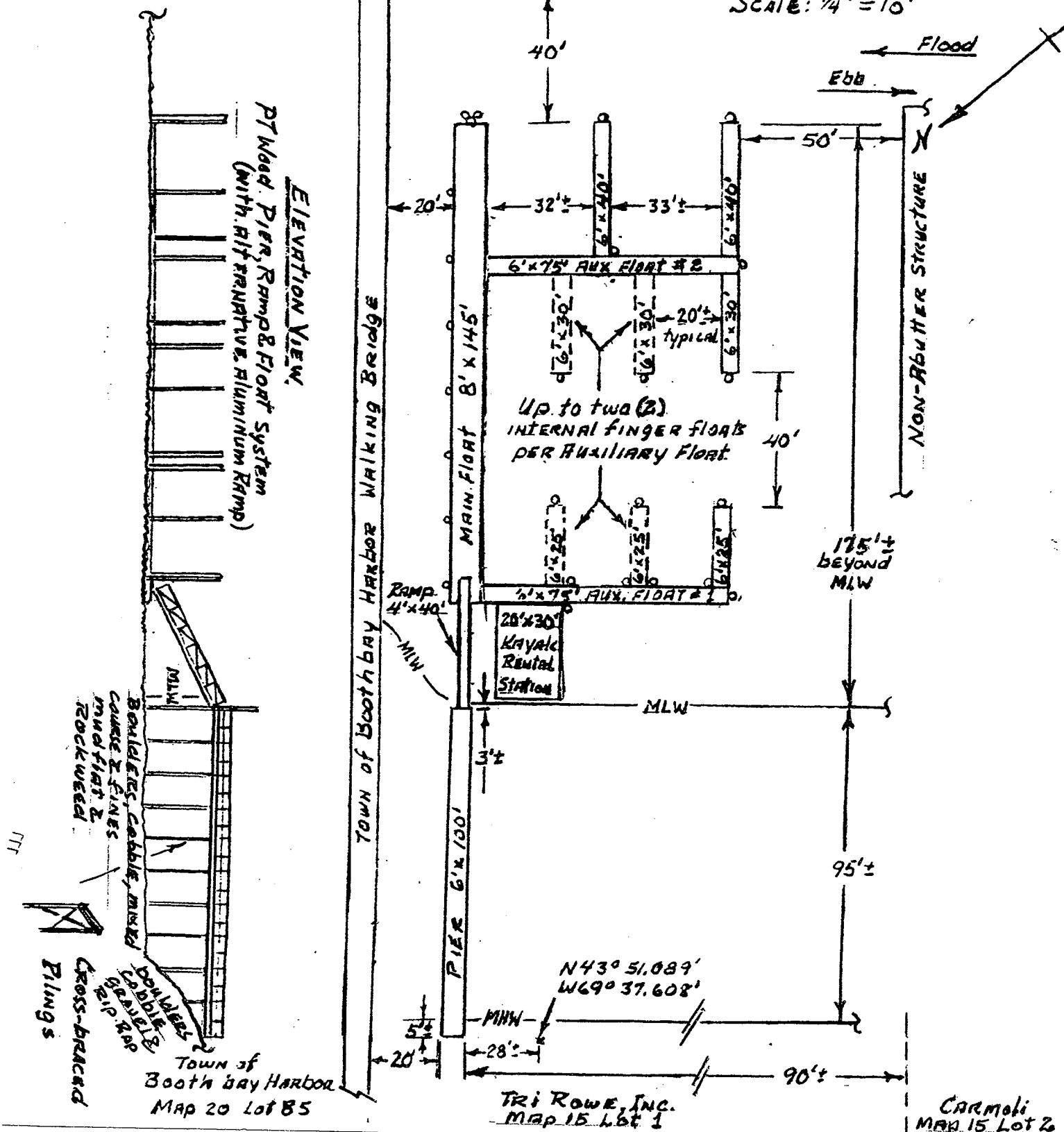
COMMERCIAL MARINA  
PIER, RAMP &  
FLOATS SYSTEM

Exhibit 2

10/17/08

(Right ARM extension  
off 1 foot bridge)

Scale:  $\frac{1}{4}'' = 10'$





PROPRIETARY DRAWING

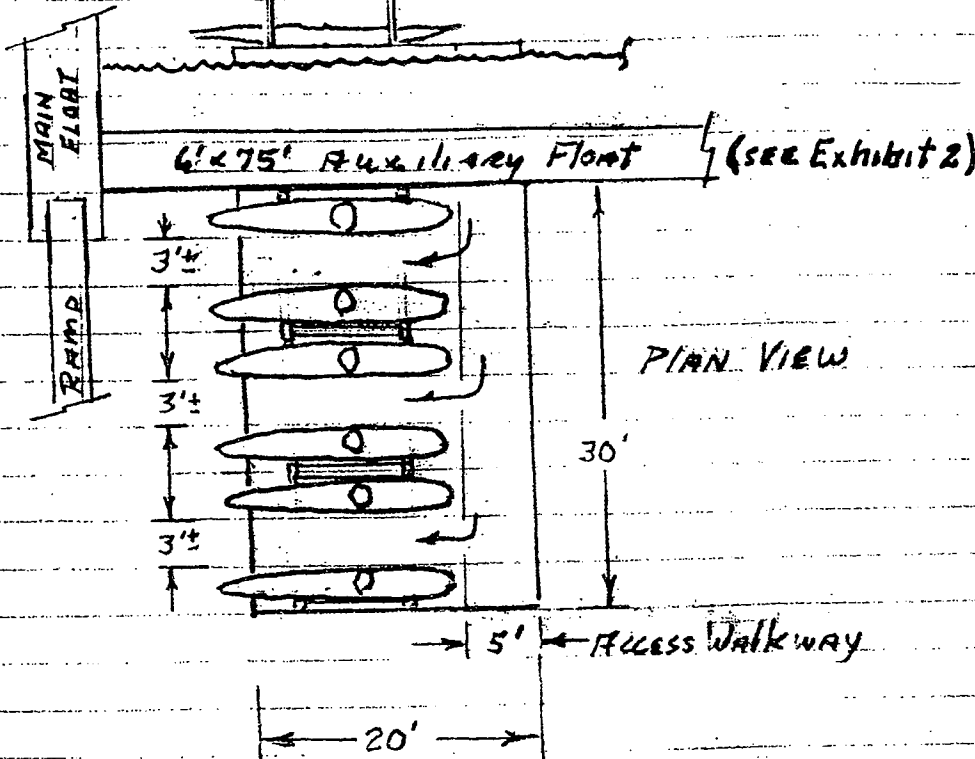
EXHIBIT 2A

KAYAK RENTAL STATION (Float)

3-TIERED KAYAK RACKS  
STORAGE OVERHANG  
ON RAMP END

5' WALKWAY

ELEVATION VIEW



TRI ROWE, INC.  
PIER, RAMP & FLOAT SYSTEM  
BOOTHBAY HARBOR  
MAP 15 LOT 1  
SCALE: 1.5" = 20'

DRAWING BY:  
LEBLANC ASSOCIATES, INC.  
Joseph D. LeBlanc, President  
67 Dipper Cove Road  
Orr's Island, ME 04066  
10/17/08

## Summary of Essential Fish Habitat (EFH) Designations

**Name of Estuary/ Bay/ River:** Sheepscot River, Maine

**10' x 10' latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries):**

4350/6940; 4340/6950; 4350/6930

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon ( <i>Salmo salar</i> )	F	F	F,M,S	F,M,S	F
Atlantic cod ( <i>Gadus morhua</i> )	S	S	S	S	S
haddock ( <i>Melanogrammus aeglefinus</i> )					
pollock ( <i>Pollachius virens</i> )		S	M,S		
whiting ( <i>Merluccius bilinearis</i> )			M,S	M,S	
offshore hake ( <i>Merluccius albidus</i> )					
red hake ( <i>Urophycis chuss</i> )		S	M,S	M,S	S
white hake ( <i>Urophycis tenuis</i> )			M,S	M,S	
redfish ( <i>Sebastes fasciatus</i> )	n/a				
witch flounder ( <i>Glyptocephalus cynoglossus</i> )					
winter flounder ( <i>Pleuronectes americanus</i> )	M,S	M,S	M,S	M,S	M,S
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	S	S	S	S	
windowpane flounder ( <i>Scophthalmus aquosus</i> )	M,S	M,S	M,S	M,S	M,S
American plaice ( <i>Hippoglossoides platessoides</i> )	S	S	M,S	S	S
ocean pout ( <i>Macrozoarces americanus</i> )	S	S	S	S	S
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	S	S	S	S	S
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	S	S	S	S	S
Atlantic sea herring ( <i>Clupea harengus</i> )		M,S	M,S	M,S	
monkfish ( <i>Lophius americanus</i> )					
bluefish ( <i>Pomatomus saltatrix</i> )			M,S	M,S	

long finned squid ( <i>Loligo pealei</i> )	n/a	n/a			
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a			
Atlantic butterfish ( <i>Peprilus triacanthus</i> )					
Atlantic mackerel ( <i>Scomber scombrus</i> )			M,S	M,S	
summer flounder ( <i>Paralichthys dentatus</i> )					
scup ( <i>Stenotomus chrysops</i> )					
black sea bass ( <i>Centropristus striata</i> )					
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a			
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a			
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a			
tilefish ( <i>Lopholatilus chamaeleonticeps</i> )					